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Takeshi Kamata

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KRATZ, QUINTOS & HANSON, LLP  
1420 K Street, N.W.  
Suite 400  
WASHINGTON, DC 20005

EXAMINER

TALBOT, BRIAN K

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

08/10/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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1. The amendment filed 5/19/09 has been considered and entered. Claims 2 and 4-6 have been canceled. Claim 7 has been added. Claims 1,3 and 7 remain in the application.

2. In light of the amendment filed 5/19/09, the 35 USC 112 second paragraph rejections have been withdrawn, however, the following one has been necessitated.

In claim 1, the term “mask” lacks antecedent basis as it appears to be a typographical error and should recite "mark".

***Claim Rejections - 35 USC § 102***

3. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bleich et al. (4,877,645), Klebl et al. (5,153,025) or Smyczek et al. (5,444,466).

Bleich et al. (4,877,645) teaches a method and apparatus for applying a coating material to elongated material. The elongated material is a plastic insulation surrounding a metallic conductor and is supplied with a feed reel and take-up reel. The colorant is applied with nozzles from the uppermost side of the plastic covered metallic cable (abstract and Figs. 1-4)

Klebl et al. (5,153,025) teaches a method of continuous marking of elongated material with a colorant from color jets located above and below the elongated material while being supplied with a feed reel and a take-up reel (abstract and Figs. 1-2). The elongated material includes insulated metal strands (col. 1, lines 20-25).

Smyczek et al. (5,444,466) teaches a wire marking system and method whereby an ink is printed on the outermost surface of an insulated wire while being supplied by a feed reel and a take-up reel (abstract and Figs. 1,2 and 5).

Bleich et al. (4,877,645), Klebl et al. (5,153,025) or Smyczek et al. (5,444,466) all teach a continuous feeding mechanism with a feed reel and a take-up reel. It is the Examiner's position that this apparatus would inherently apply tension to the wire and therefore meets the claimed limitation of "tightened in a state where tensile force is applied in a longitudinal direction".

Regarding claim 3, the term "open end" is met by the references as they all teach nozzles or jets which comprise "an open ended applicator" for applying the colorant to the outside of the wire.

Regarding the limitation of the marking material moving downward by gravity along the outer face to form the band, it is the Examiner's position that the prior art while absent a positive recitation of "gravity" aiding in the formation of the bands, one skilled in the art would recognize that gravity is present in the prior art and would meet the claimed limitation.

#### ***Allowable Subject Matter***

4. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Reasons for Indicating Allowable Subject Matter***

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5. While the prior art may teach or inherently teach the aid of gravity in forming the lines, the references do not teach the mark having a width larger at the uppermost portion than at the lowermost portion.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Talbot whose telephone number is (571) 272-1428. The examiner can normally be reached on Monday-Friday 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian K Talbot/  
Primary Examiner, Art Unit 1792

BKT

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